

Appl. No. : 10/680,938
Filed : October 7, 2003

REMARKS

Claims 28-44 were pending in the application. By this paper, Claims 32 and 37 have been cancelled without prejudice, Claims 28, 29, 33-36, 39-40 and 44 amended, and new Claims 5 45-59 added. Accordingly, Claims 28-31, 33-36, and 38-59 are presented herein for examination.

Information Disclosure Statement (IDS)

Applicant submits herewith a PTO Form 1449 and IDS citing forty-six (46) references for 10 the Examiner's review.

Claim Objections

By this paper, Applicant has amended Claim 40 to delete the word "having" as noted by the Examiner. Applicant submits that this amendment overcomes the Examiner's objection.

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§112 Rejections

By this paper, Applicant has amended Claim 44 to delete the phrase "substantially smaller" and clarify the sizing of the radius of the spools; i.e., to reference it to the curl radius of the ribbon. Applicant submits that this amendment overcomes the Examiner's rejection.

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§102 Rejections

Claim 28 - With respect to the Examiner's rejection of Claim 28 based on anticipation by Cayer (U.S. 4,369,929), Applicant has herein amended Claim 28 to include limitations relating to the recited housing element being substantially planar in shape and having at least first and 25 second faces, the plurality of spools comprising at least a first group of spools disposed within a first row in substantially parallel juxtaposed orientation within the recess, and at least a second group of spools disposed within a second row in substantially parallel juxtaposed orientation within the recess, the first and second rows being at least partly offset from one another, the plurality of apertures being formed within at least one of the first and second faces. See, e.g., the 30 exemplary embodiment of Fig. 9 of the specification as filed for support for this amendment.

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Applicant submits that neither Cayer nor any other art cited by the Examiner teaches or suggests at least first and second groups of spools in juxtaposed, offset orientation along with the other limitations of Claim 28. As can be appreciated by inspection of the embodiment of Fig. 9, this offset allows the vertical profile (depth) of the housing to be smaller than it would otherwise be with no offset.

Accordingly, Applicant respectfully submits that Claim 28 as amended is both novel and non-obvious over the art of record.

Claim 40 - With respect to the Examiner's rejection of independent Claim 40 based on anticipation by Cayer (U.S. 4,369,929), Applicant has amended Claim 40 to further clarify that curled ribbon is dispensable from the apparatus. Specifically, Applicant notes that Claim 40 recites (i) the curling of ribbon, (ii) the disposing of curled ribbon on a spool, and (iii) the disposing of the spool within the recess of the housing. Cayer in no way teaches or suggests either a) ribbon, or b) the curling of any material (ribbon or otherwise). **The Examiner's assertion on page 3, fourth paragraph of the Office Action regarding the materials being curled at least in their "wound state" is simply not the same as curling ribbon and then placing the already curled ribbon onto the spool as recited in Claim 40.** As described in detail throughout Applicant's specification as filed, the recited dispenser dispenses ribbon which is curled before or as it is being disposed onto the spool (and which retains the curl after being dispensed). If the Examiner's assertion that Cayer's invention would anticipate a curled ribbon dispenser as recited in Claim 40 was correct, then the materials dispensed from Cayer would retain their curl after being dispensed as in Applicant's invention. Cayer in no way teaches or discloses any such functionality.

Accordingly, Cayer cannot as a matter of law render Claim 40 as presented herein anticipated.

Applicant further notes that Goldstein (U.S. 5,407,417) cited by the Examiner curls the dispensed material as it is being dispensed. Accordingly, the combination of Goldstein and Cayer cannot render the invention of Claim 40 obvious, since neither reference teaches disposing curled ribbon onto a spool.

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§103 Rejections

Regarding the Examiner's rejections of independent Claims 39 and 44 as being rendered obvious over Cayer in view of Goldstein (and Schwartz as applicable), Applicant respectfully traverses the Examiner's rejections on grounds similar to those discussed above for Claim 40.

5 Specifically, each of Claims 39 and 44 recite curled ribbon (i.e., ribbon which is disposed on the spool(s) in a curled state). See, e.g., Claim 39, which recites "... a plurality of elongate spools of curled ribbon"; neither Cayer nor Goldstein nor Schwartz teach or suggest curled ribbon on spools. At best, Goldstein teaches curling the ribbon after it comes off the spool (i.e., as it is being dispensed. Hence, Goldstein clearly teaches away from Applicant's invention, since

10 Applicant's invention purposely curls the ribbon before it is put on the spool.

Furthermore, the invention of Claim 44 recites the use of a helical lay pattern and a spool radius comparable to that of the ribbon curl radius. These features cooperate to aid in maintaining the curl imparted to the ribbon before winding, so that the ribbon retains such curl after it is dispensed. This functionality is nowhere taught or suggested in any of the art of record

15 to the best of Applicant's knowledge.

Accordingly, Applicant submits that Claims 39 and 44 as presented herein cannot as a matter of law be anticipated or rendered obvious by the cited art.

New Claims

20 By this paper, Applicant has added new Claims 45-59. Support for these claims is present in the specification and drawings as filed. For example, the invention of Claim 52 is supported by, *inter alia*, Figs. 8 and 9. The recited transparent low-cost polymer material of Claim 59 is supported at, *inter alia*, at page 21, lines 24-26 of the specification as filed. (polyethylene being a notorious low-cost polymer).

25 Applicant submits that each of the new Claims distinguish over the art of record and hence comprise patentable subject matter.

Other Remarks

Applicant hereby specifically reserves the rights to prosecute claims of different or

30 broader scope, including those cancelled herein, in a continuation or divisional application.

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Applicant notes that any cancellations or additions made herein and not substantively discussed above are made solely for the purposes of more clearly and particularly describing and claiming the invention, and not for purposes of overcoming art. The Examiner should infer no (i) adoption of a position with respect to patentability, (ii) change in the Applicant's position with 5 respect to any claim or subject matter of the invention, or (iii) acquiescence in any way to any position taken by the Examiner, based on such cancellations or additions.

Furthermore, any remarks made herein with respect to a given claim or amendment are intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicant's invention.

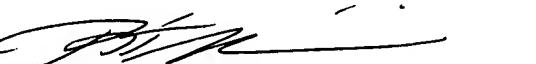
10 If the Examiner has any questions or comments which may be resolved over the telephone, he is requested to call the undersigned at (858) 675-1670.

Respectfully submitted,

15 GAZDZINSKI & ASSOCIATES

Dated: November 15, 2004

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